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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,275	11/21/2003	Clint O'Connor	16356.839 (DC-05739)	3195

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EXAMINER	
CRIBBS, MALCOLM D	

ART UNIT	PAPER NUMBER
2115	

MAIL DATE	DELIVERY MODE
01/23/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/719,275

Applicant(s)

O'CONNOR ET AL.

Examiner

Malcolm D. Cribbs

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-24 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

**Claims 1-24 are presented for examination.**

5

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

10

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, and 9-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Okada [US Patent No. US 6,317,614].

15

**As per claims 1, and 11,** Okada teaches the invention comprising:

sensing a condition to which the IHS is subjected in the course of operation to provide sensed information [wherein in the course of operation [during a telephone conversation] a microphone is turned on to sense a voice signal [Col 3 lines 40-43]];

20

analyzing the sensed information to determine if the IHS is currently in an unusable state [wherein when voice data is sensed the IHS is in an unusable state [the display can not be seen therefore can not be used] [Col 3 lines 45-50; and Col 5 lines 4-8]]; and

entering a reduced power mode, by the IHS, if it is found that the IHS is currently in an unusable state [wherein when a voice signal is detected the display is powered off

thus entering into a reduced power state [Col 3 lines 45-50; Col 4 lines 1-8; and Col 5 lines 4-8]].

**As per claim 2**, Okada teaches the invention including sensing a first sensed condition to provide sensed information [Col 4 lines 12-16].

5

**As per claim 3**, Okada teaches the invention including sensing a second sensed condition to provide sensed information [Col 4 lines 32-37].

**As per claim 4**, Okada teaches the invention including sensing a third sensed condition to provide sensed information [Col 4 lines 41-47].

10

**As per claims 9, and 15**, Osaka teaches the invention wherein change in one sensed condition triggers wakeup of the IHS after the IHS has entered the reduced power mode [Col 3 lines 49-51].

15

**As per claims 10, and 16**, it would have been inherent to one of ordinary skill in the power conservation art at the time the invention was made to sense multiple conditions to wakeup or power down the device which would give the benefit of verifying a usable or non-usable state before switching power consumption modes.

20

**As per claims 17, and 21**, it is directed to the portable information handling system to implement the method of steps as set forth in claims 1, and 11. Therefore, it is rejected on the same basis as set forth hereinabove.

5                                    ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10                                    (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15                                    Claims 5, 12, 18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada in view of Aleksic [Publication No. US 2003/0210221].

**As per claims 5, 12, 18, and 22**, Okada teaches a method of controlling power consumption based on a sensed condition. However, Osaka does not teach the invention wherein the sensed condition is ambient light.

20                                    Aleksic teaches another method of controlling power consumption based on a sensed condition. Aleksic discloses a method of controlling power consumption based on a sensed amount of ambient light [Page 3, paragraph 0030].

25                                    It would have been obvious to one of ordinary skill of the art having the teachings of Okada and Aleksic at the time the invention was made, to modify the power

conservation method of Okada to include the ability to further conserve power based on sensed ambient light. One of ordinary skill in the art would be motivated to make this combination as doing so would give the added benefit of further conserving power based on a sensed amount of ambient light along with ensuring the display is always in  
5 a readable state [Abstract; and paragraph 0003].

Claims 6, 13, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada in view of Nunokawa et al [Publication No. US 2004/0243324].

10 **As per claims 6, 13, 19, and 23**, Okada teaches a method of controlling power consumption based on a sensed condition. However, Osaka does not teach the invention wherein the sensed condition is motion.

Nunokawa teaches another method of controlling power consumption based on a  
15 sensed condition. Nunokawa discloses a method of controlling power consumption based on sensed motion using an acceleration sensor [Page 4, paragraph 0071].

It would have been obvious to one of ordinary skill of the art having the teachings of Okada and Nunokawa at the time the invention was made, to modify the power  
20 conservation method of Okada to include the ability to further conserve power based on sensed motion of the apparatus. One of ordinary skill in the art would be motivated to make this combination as doing so would give the added benefit of further conserving

power based on the sensed motion of the device thus increasing the overall total amount of power saved.

Claims 7, 14, 20, and 24 are rejected under 35 U.S.C. 103(a) as being  
5 unpatentable over Okada in view of Kim [US Patent No. US 6,044,473].

**As per claims 7, 14, 20, and 24,** Okada teaches a method of controlling power consumption based on a sensed condition. However, Osaka does not teach the invention wherein the sensed condition is orientation.

10 Kim teaches another method of controlling power consumption based on a sensed condition. Kim discloses a method of controlling power consumption based on a sensed orientation of the apparatus, wherein if the inside display's orientation is down, or in a closed position thus an unusable state power consumption is reduced [Page 1 lines 15-20, and lines 49-52; and Col 2 line 66 – Col 3 line 15].

15 It would have been obvious to one of ordinary skill of the art having the teachings of Okada and Kim at the time the invention was made, to modify the power conservation method of Okada to include the ability to further conserve power based on the orientation of the device. One of ordinary skill in the art would be motivated to make  
20 this combination as doing so would give the added benefit of further conserving power based on the device not able to be used while the display is in a sensed downward position.

***Allowable Subject Matter***

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malcolm D. Cribbs whose telephone number is 571-272-5689. The examiner can normally be reached on M-F 8AM-430PM.

10 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Malcolm D Cribbs  
Examiner  
Art Unit 2115

January 15, 2008

A handwritten signature in black ink, appearing to read 'Thomas Lee', with a long horizontal stroke extending to the right.

THOMAS LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100